UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/24598
29 September 1992

ORIGINAL: ENGLISH

LETTER DATED 28 SEPTEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon authorization, I have the honour to submit the present letter with regard to the facts, which in the report on the activities of United Nations Command (S/24466) and "Special report" (S/24467) were extremely distorted.

In its report the "United Nations Forces" side of the Military Armistice Commission (MAC) distorted the fact as if the Korea-China side is responsible for the paralysis of the cease-fire-supervising mechanism.

The responsibility for the paralysis of the functions of MAC lies in that the United States side appointed a South Korean army "General" as senior member of the "United Nations Forces" side, which is neither a signatory to the Armistice Agreement nor a member of the "United Nations Forces". This is entirely illegal.

Paragraph 20 of the Armistice Agreement 1/ stipulates that the Military Armistice Commission shall be composed of 10 senior officers, 5 of whom shall be appointed by the "Commander-in-chief" of the United Nations Command.

This means that the senior member of MAC should be appointed from the "United Nations Forces", a signatory to the Armistice Agreement, not from any side which is not a signatory to the Armistice Agreement. This is an all too self-evident truth.

We have so far allowed the United States side to bring the South Korean army "General" to the conference room of MAC and to sit with him. This was intended to make the Armistice Agreement binding on the South Korean army, which opposed the signing of the Armistice Agreement and has not recognized it.

Under the circumstances, the Korea-China side clarified its position that a South Korean army "General" cannot be a senior member of the "United Nations Forces" side, which is responsible for the implementation of the Armistice Agreement and it presented to the "United Nations Forces" side repeated proposals that, if the United States is to sit a South Korean army

"General" as our counterpart, there should be at least a subsequent legal and institutional mechanism for that and that the necessary negotiations be held for that purpose.

Nevertheless, the "United Nations Forces" side created a serious situation by refusing even such proposals and "appointing" a South Korean army "General" without any qualification and authority as "senior member" which has been occupied by the United States General for the last 38 years, in which it is impossible to hold meetings of MAC and exchange telephone messages and letters signed by the senior member.

The same can be said of the malfunction of the joint inspection team to inspect the recent incident violating the Armistice Agreement for which the United States side blamed the Korea-China side. The Korea-China side is not responsible for breaking off the implementation of the joint inspection. In April 1987 the United States side committed a crime by which five civil policemen of our side, who were on routine patrol duty in the demilitarized zone (DMZ), were brutally shot to death.

This was proved by the joint inspection, but the United States side has not submitted any special report on that until today. Therefore the joint inspection team has not been in operation.

The "United Nations Forces" side mentioned in its "Special report" the so-called "incident of infiltration" of armed personnel which was claimed to have occurred on 22 May 1992. As for the "incident", it has nothing to do with us. It has already been widely known in the world as a drama concocted by the South Korean authorities to put a break on the wheel of the favourably developing North-South dialogue.

The fact that with the announcement of the "incident" the "United Nations Forces" side put up a "General" of the South Korean army in the conference room of MAC, who is not qualified to be a "senior member", and kicked up a row by submitting a "Special report" concerning it makes us believe that the real intention of the United States side is to shift the responsibility of the malfunction of MAC to our side. The United States side is also totally responsible for the malfunction of the Neutral Nations Supervisory Commission (NNSC).

Our position in this regard has been clarified in the memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea dated 19 September 1991, delivered to the States members of NNSC (see annex).

I believe that you will pay due attention to the current changed situation on the Korean peninsula and make every effort to solve the Korean question peacefully.

I would be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

Notes

1/ See Official Records of the Security Council, Eighth Year, Supplement for July, August and September 1953, document S/3079.

## Annex

### Memorandum dated 19 September 1991 from the Ministry of Foreign Affairs of the Democratic People's Republic of Korea

The Ministry of Foreign Affairs of the Democratic People's Republic of Korea, deeply concerned over the present situation of the Neutral Nations Supervisory Commission (NNSC), clarifies its position with regard to the memorandum of the States members of NNSC dated 6 September 1991 as follows:

1. The Ministry shares the view of the NNSC member States that the Armistice Agreement of July 1953 is the only internationally recognized legal instrument maintaining peace on the Korean peninsula, that NNSC was established together with the Military Armistice Commission (MAC) as an implementing agency for the Armistice Agreement and that the existence and functioning of NNSC constitute an integral part of the Armistice regime.

2. The Ministry appreciates the positive contribution NNSC has made over the years in defusing the tension, ensuring peace and preventing the recurrence of war on the Korean peninsula.

3. The Ministry shares the view that recently it has become difficult for NNSC properly to execute its mandate under the Armistice Agreement, and makes it clear that the "United Nations Command" side is totally responsible for this situation.

NNSC is duty-bound to supervise, observe and inspect the introduction of military personnel and operational equipment into Korea and to report its results to MAC.

For this purpose, NNSC functioned through its 10 inspection teams stationed in the designated areas of the north and south of Korea.

The "United Nations Command" side has systematically paralysed the functions of NNSC.

(a) The "United Nations Command" side forcefully withdrew the Neutral Nations inspection teams from its areas on 9 June 1956 when the inspection teams exposed the violations of the Armistice Agreement by the "United Nations Command";

(b) The "United Nations Command" side on 21 June 1957 unilaterally broke off the implementation of subparagraph 13 (d) of the Armistice Agreement, which ceases the introduction into Korea of reinforcing operational equipment;

(c) The "United Nations Command" side has not submitted to NNSC its reports on the replacements of operational equipment since 21 June 1957;

(d) Since then, NNSC could not execute its mandate under the Armistice Agreement and NNSC has, in fact, become a nominal entity;

(e) On 25 March 1991, the "United Nations Command" side designated as its senior member a South Korean army "General" who has neither legal justification nor qualification from the viewpoint of the Armistice Agreement, because of which the functioning of MAC has been paralysed and NNSC, integrally related to MAC, has been placed in a helpless position in that it cannot perform any duties with no object of its functioning.

4. The Ministry agrees with the view that any changes of and amendments or additions to the Armistice Agreement should be mutually agreed upon by the parties signatory to the Agreement as provided for in its article V and clarifies that the "United Nations Command" side has outrageously violated article V of the Armistice Agreement.

(a) In June 1956, the "United Nations Command" side turned down the proposal of the side of the Korean People's Army and the Chinese People's Volunteers to resolve, through mutual agreement of the Commanders of the opposing sides in accordance with article V of the Armistice Agreement, the issue of withdrawing the Neutral Nations inspection teams stationed at the appointed ports of entry under paragraph 43 of article II of the Armistice Agreement and unilaterally forced them to withdraw;

(b) On 21 June 1957, the "United Nations Command" side unilaterally broke off the implementation of subparagraph 13 (d) of the Armistice Agreement ceasing the introduction into Korea of reinforcing operational matériel without any prior negotiations with the side of the Korean People's Army and the Chinese People's Volunteers in violation of article V of the Armistice Agreement and did not submit to NNSC its report on the replacements of operational matériel;

(c) The "United Nations Command" side shelved and failed to respond to the proposal from the side of the Korean People's Army and the Chinese People's Volunteers to hold negotiations for setting up a legal institutional mechanism necessary for the replacement of the senior member of the "United Nations Command" side to MAC with a totally disqualified South Korean army "General" if it wanted to do so.

5. The Democratic People's Republic of Korea has attached importance to the existence of NNSC and striven to enhance its authority.

(a) The side of the Korean People's Army and the Chinese People's Volunteers to MAC has for over 30 years submitted its report on replacements of operational equipment to NNSC unilaterally although the "United Nations Command" side has never done so since 21 June 1957;

(b) The side of the Korean People's Army and the Chinese People's Volunteers has continuously submitted to NNSC its reports on the rotation of military personnel, although this was of no necessity as the Chinese People's Volunteers completed their withdrawal in 1958;

(c) The Democratic People's Republic of Korea has in the past made proposals to enhance the authority of NNSC but has received no response from the "United Nations Command" side.

6. The fate and the future of NNSC depend entirely on the "United Nations Command" side, which has incapacitated NNSC from executing its mandate.

---